



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.us

FAX 410-313-3467

TDD 410-313-2323

December 29, 2008

TECHNICAL STAFF REPORT

*Petition Accepted on July 28, 2008
Planning Board Meeting of January 15, 2009
Zoning Board Hearing to be scheduled*

Case No./Petitioner: ZB 1076M – Deep Run Property Management, LLC & Horse Farm, LLC

Location: First Election District
West side of Old Montgomery Road, northwest of the Brightfield Road intersection; Tax Map 37, Grid 2, Parcels 748, 753; No Current Address (the "Property")

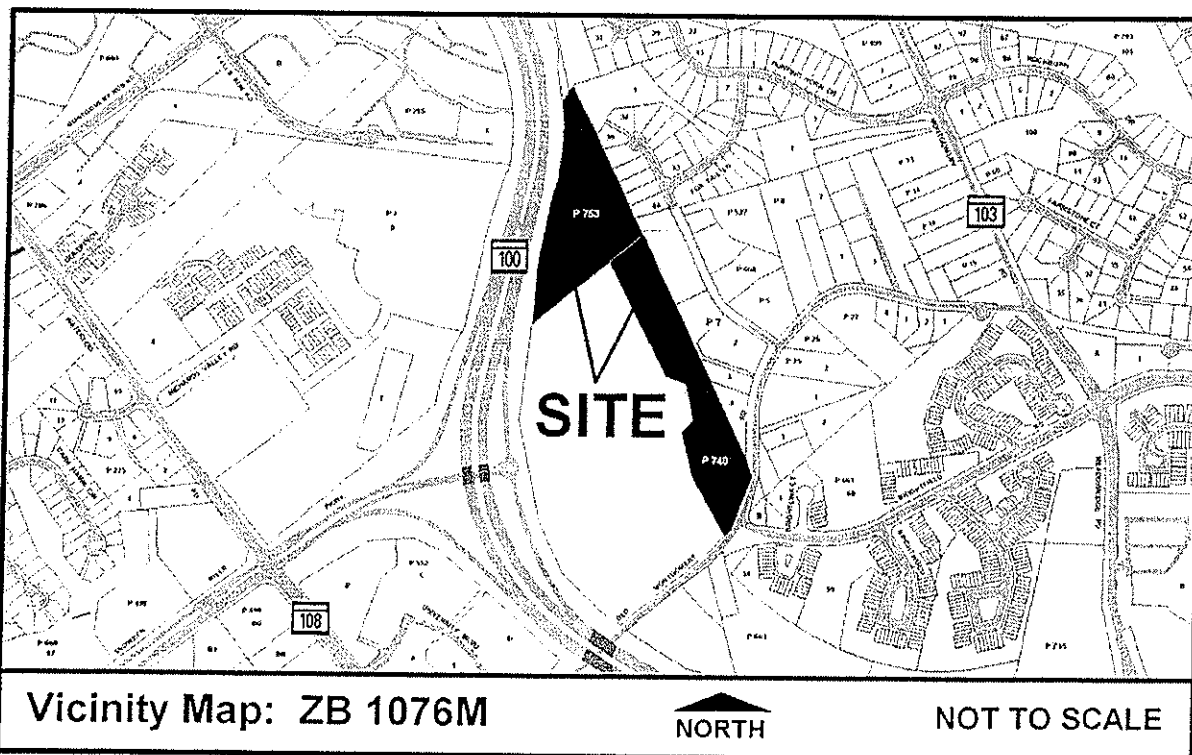
Area of Site: 20.46 gross acres

Current Zoning: R-20-MXD-3

Proposed Zoning: PSC, with a Preliminary Development Plan for an Age-restricted Adult Housing development with 116 total dwelling units.

Department of Planning and Zoning Recommendation:

**APPROVAL, IF THE PETITIONER
ADDRESSES CERTAIN ISSUES.**



PETITIONER: Deep Run Property Management, LLC & Horse Farm, LLC

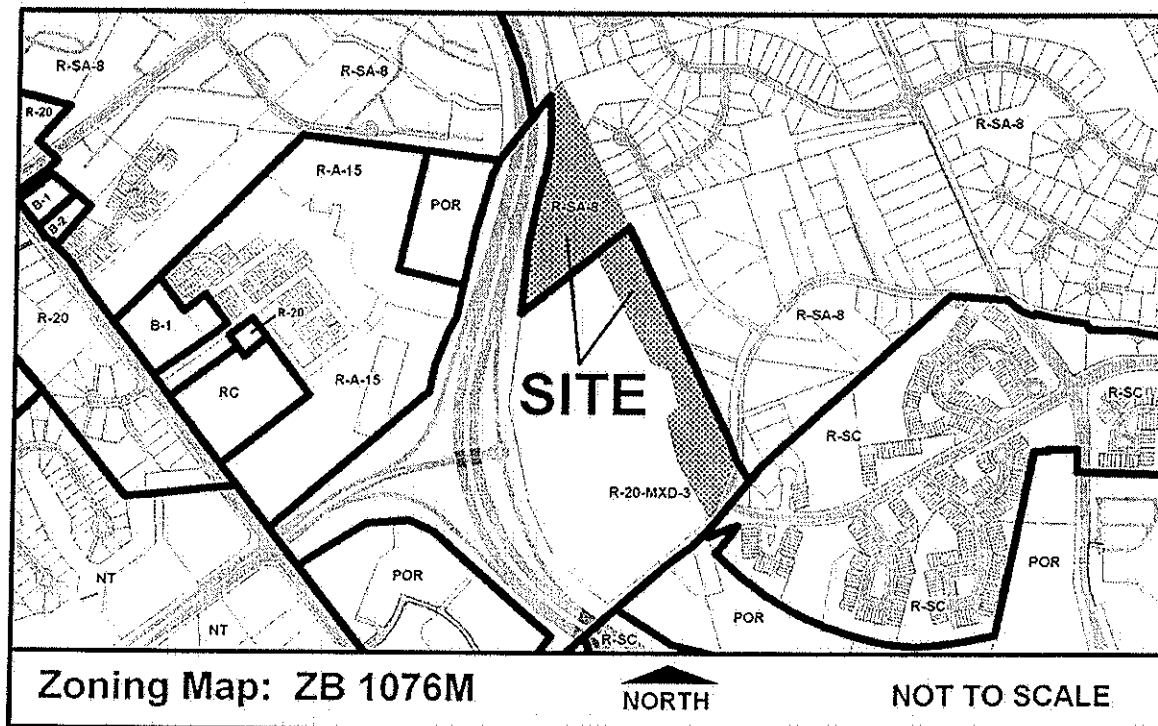
I. DESCRIPTION OF PROPOSAL

- The Petitioner proposes a Zoning Map Amendment to rezone the Property from the current R-20-MXD-3 District designation to the PSC (Planned Senior Community) district. The PSC District is a floating zone, and therefore, approval may be granted if the petition is found to comply with the Standards for Approval in Section 127.1.G. of the Zoning Regulations, and no findings are required on the issues of substantial change or mistake.
- As is required for Zoning Map Amendment petitions for the PSC District, the Petitioner proposes a Preliminary Development Plan ("PDP") and Preliminary Development Plan Criteria ("PDP Criteria") for an age-restricted adult housing project called "Trotter's Knoll".

The information provided in the PDP and PDP Criteria is exceptionally detailed about the nature and character of the intended development.

- The Property is a very irregularly-shaped parcel, is quite long and is relatively narrow overall. There are also environmentally sensitive areas, particularly in the northwestern area of the site, that constrain the buildable area. As a result of these conditions, the proposed development has a linear design, with the various elements arranged on each side of a central private road named Wendy Way.

This private road would enter the Property at a point on the Old Montgomery Road frontage to the west of Brightfield Road. The Petitioner proposes that this intersection be made a four-way stop intersection.



I. DESCRIPTION OF PROPOSAL

- **As the road curves to the northeast into the site, initially on the west side would be a Community Center building and the first of four, five-story apartment buildings, and on the east side would be a single-family attached building with three dwelling units.**

The Community Center building is proposed to be 3,650 square feet. Each of the four, five-story apartment buildings, all of which are located on the west side of the road, would have one floor of parking at grade and four floors of apartments above that with four apartments per floor, totaling 16 apartments per building and 64 apartments for the entire project.

There would be 11 single-family attached buildings which are predominantly located on the east side of the road except for one building on the west side. These single-family attached dwelling units are labeled on the PDP as "3 Story (Inc. Basement)", but on Page 6 of the PDP Criteria entitled "Typical Townhouse Project", the design of the example dwelling units shown appear to be two-stories above a completely below-grade basement. The Petitioner should clarify whether the proposed units would have similar, completely below-grade basements, or would have walk-out lower levels that are largely above-grade.

- **Of the 11 single-family attached buildings, the six in the southern-half of the site would have dwelling units measuring 32 feet wide by 75 feet deep, with four five-unit buildings, one four-unit building, and one three-unit building for a total 27 dwelling units.**

In the northern-half of the site, the remaining five single-family attached buildings would have dwelling units measuring 32 feet wide by 65 feet deep, with one eight-unit building, two five-unit buildings, one four-unit building on the east side of the road, and one three-unit building on the west side, for a total 25 smaller dwelling units.

The total number of single-family attached dwelling units proposed is 52 dwelling units, and with the 64 apartment units, the grand total of proposed dwelling units for the project is 116 dwelling units.

- **All of the proposed dwelling units would be for-sale condominium units. There will not be individual lots for the single-family attached dwelling units.**

There would be five condominium regimes; one for each of the four apartment buildings, and one for all of the single-family attached dwelling units. A Master Community Condominium Association would be responsible for the common elements within the community.

- **To meet the requirement for Moderate Income Housing Units, the Petitioner proposes that 12 of the apartment units would be provided for this purpose.**

I. DESCRIPTION OF PROPOSAL

- **In addition to the space in the Community Center building, the PDP shows two outdoor recreation/amenity space areas, both of which would be located on the west side of the road.**

The larger of the two is an approximately 7,200 square foot "Active Community Recreation Area" which would be located between Apartment Building B and Apartment Building C. A smaller, approximately 3,380 square foot "Proposed Sitting Area" is depicted immediately to the north of the lone three-unit single-family attached building on the west side of the road.

- **The Petitioner states that approximately 10 acres of the Property will be open space. Except for the recreation and sitting areas noted above, most of the open space is in the wooded, environmentally-sensitive area in the northwest of the site, and in landscape buffers areas throughout the site.**
- **There is a detailed landscaping plan on Sheet 5 of the proposed PDP. Type C (Heavy) landscaping buffers will be provided along the eastern side property line, adjoining the existing residential uses to the east, and along much of the road frontage. A Type A (Light) landscaping buffers would be provided along the western side property lines, adjoining the undevelopable Maryland State Highway Administration property.**

Areas of the landscape buffer along the east side property line will be reforestation areas. There are two forest retention areas in the northwestern area of the site, and a third small reforestation area near MD 100.

- **According to information on Page 14 of the PDP Criteria booklet, the development will be built in four phases.**

The first phase would include the construction of the Community Center building, one apartment building, and seven single-family attached dwelling units, in the area of the Property nearest to Old Montgomery Road. In addition, all of the open space will be platted in this initial phase.

In both Phase II and Phase III, one apartment building and ten single-family attached dwelling units would be constructed, and in Phase IV the final apartment building and 25 single-family attached dwelling units would be constructed. The Petitioner does not provide any estimates on the time periods for these various phases.

- **Two other elements of the development not previously mentioned are a proposed emergency fire access road in the northern portion of the site that would extend to Fetlock Court to the northeast, and a relatively tall retaining wall to the north and west of the northernmost apartment building.**

II. ZONING HISTORY

- The Property was zoned R-20 with the 1961 Comprehensive Zoning Plan, and this R-20 zoning was maintained in the 1977 and 1985 Comprehensive Zoning Plans. In the 1993 Comprehensive Zoning Plan the Property became zoned R-20-MXD-3, and this was retained in the 2004 Comprehensive Zoning Plan.

III. BACKGROUND INFORMATION

A. Site Description

- The Property was once part of a large farm that extended to the southwest all the way to MD 108, prior to the construction of MD 100. Much of the southern-half of the Property is open, former pasture area, with typical fence line vegetation along the east side lot line and along Old Montgomery Road. The pastures of the former farm must have extended past the area of the current Property towards the southwest because there is no fence line vegetation along that side.
- To the northwest, past a stream and wetlands area that crosses the Property from northeast to southwest, the Property is first overgrown former pasture area and then is a more wooded area. A stream with a large wetlands area runs through the northwestern area of the Property approximately north to south.

The overall topography of the Property is that it slopes from the northeast down towards the southwest, with the southern-half being more moderately sloped while the northern-half is more steeply sloped. The high point on the Property is a point along the east side lot line that is generally to the southwest of the southern end of the adjacent Fetlock Court.

B. Vicinal Properties

- The adjoining properties to the northeast are zoned R-20, and are residential lots or parcels that are improved with various single-family detached dwelling units that either front on Old Montgomery Road, a private road that extends to the northwest from Old Montgomery Road, or along Fetlock Court, a public road in the Hunt Country Estates subdivision.
- Across Old Montgomery Road to the southeast of the Property, the area is zoned R-SC and there are single-family attached dwelling units adjacent to Brightfield Road. Also across Old Montgomery Road more to the east of the Property are a few single-family detached dwelling units on R-20 lots.
- The adjoining property to the southwest is also zoned R-20-MXD-3, and is a large area of former right-of-way for MD 100 that is owned by the State Highway Administration and which is a Wetland Covenants Area. Further to the southwest is MD 100.

III. BACKGROUND INFORMATION

C. Roads

- Old Montgomery Road in this location has one northbound and one southbound lane and approximately 25 feet of paving within an existing variable width right-of-way. The posted speed limit is 35 miles per hour.
- The current conditions along Old Montgomery Road with the existing vegetation make it difficult to estimate the sight distance, but the sight distance in both directions appears to be very limited due to the curve in Old Montgomery Road and to the drop in elevation to the south of Brightfield Road.
- The sight distance would be improved somewhat if the front vegetation were removed, but the other conditions with the curve and the elevation drop will still be factors.
- According to data from the Department of Public Works, the traffic volume on Old Montgomery Road south of Brightfield Road was 2,736 ADT (average daily trips) as of January, 2006.

D. Water and Sewer Service

- The Property is in the Metropolitan District and is within the Existing Service Area according to the Geographic Information System Maps.

The proposed development on the Property would be served by public water and sewer facilities.

E. General Plan

- The Property is designated Residential Areas on the Policies Map 2000-2020 of the 2000 General Plan.
- Old Montgomery Road in this location is depicted as a Major Collector on the Transportation Map 2000-2020 of the 2000 General Plan.

F. Agency Comments

- See attached comments on the proposal from the following agency
 1. Division of Land Development
- The following agencies had no objections to the proposal:
 1. Bureau of Environmental Health
 2. Department of Fire and Rescue Services
 3. Department of Inspections, Licenses and Permits

III. BACKGROUND INFORMATION

G. Adequate Public Facilities Ordinance

- The petition is subject to the Adequate Public Facilities Ordinance. A site development plan for the proposed development is subject to the requirement to pass the test for adequate road facilities.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- The proposed development is a residential use and on that basis is in harmony with the Residential Areas designation for the vicinity.
- The petition is in harmony with Balanced and Phased Growth Policy No. 4.3 to "Ensure an adequate housing supply for the elderly, disabled, and special populations", and especially the actions to accommodate active senior housing and for Universal Design.

B. Evaluation of Section 127.1.B (Requirements for a Planned Senior Community)

1. The Property is in the Metropolitan District and is in the Existing Service Area for both public water and sewer. There are existing water and sewer lines that are available for the proposed development. The petition complies with Section 127.1.B.1.
2. Old Montgomery Road is a Major Collector. The petition complies with Section 127.1.B.2.
3. The proposed 116 dwelling units is more than twice the minimum requirement for 50 dwelling units.
4. The development proposed two dwelling unit types; single-family attached dwelling units and apartments. The petition complies with Section 127.1.B.4.
5. The proposed 10 acres of open space is approximately 50 percent of the total area, which is well above the minimum 35 percent open space requirement.
6. Both a community recreation area and a sitting area are proposed. These areas are only generally indicated, with no details regarding the design of these areas or the proposed uses within these areas. It is recommended that the Petitioner provide more information concerning the character of these areas.
7. The petition complies with Section 127.1.B.7. because there will be 12 Moderate Income Housing Units provided, however the Department of Housing and Community Services Development may require these to be proportionately distributed among the apartments and single family attached units in accordance with Section 13.400 of the Howard County Code.

IV. EVALUATIONS AND CONCLUSIONS (cont'd)

8. The proposed Community Center building is 3,650 square feet, which exceeds the minimum floor area requirements of Section 127.1.B.8

C. Evaluation of Section 127.1.G. (Standards for Approval of a Petition)

1. The proposed development will provide independent living opportunities for older adults and it appears to be carefully designed to be compatible with the existing single-family detached residential uses to the east.
2. The site does meet the Section 127.1.B. requirements, but it is recommended that more details be provided on the outdoor recreation area and sitting area.
3. Old Montgomery Road has a relatively low traffic volume, so the additional traffic generated by the development should not be an issue. The site distance along Old Montgomery Road at the new private road entrance may be an issue due to the curve in the road and to the drop in elevation of Old Montgomery Road south of Brightfield Road. The Petitioner proposes that the intersection at Brightfield Road become a four-way stop, and if this is achieved sight distance may be less of an issue. The Petitioner must demonstrate that safe public road access is available to and from the site.
4. The general design of the proposed buildings, as indicated in the PDP Criteria booklet, are compatible with the existing homes in the vicinity. The lower single-family attached dwelling units are placed along the area closest to the adjacent existing residential uses to the east, while the taller apartment buildings are placed further away. There will be a good landscape buffer along the eastern side lot line. The petition complies with Section 127.1.G.4.
5. The petition complies with Section 127.1.G.5. concerning the provision of open space.
6. The petition complies with Section 127.1.G.6 concerning the common areas and amenity areas, but it is recommended that more details be provided on the outdoor recreation area and sitting area.
7. Section 127.1.G.7 is not applicable.
8. All of the open space will be recorded in the first phase. The petition complies with Section 127.1.G.8.
9. The petition complies with Section 127.1.G.9. The design features within the dwelling units are described on Page 5 of the PDP Criteria booklet.

IV. EVALUATIONS AND CONCLUSIONS

C. Evaluation of Section 127.1.G. (Standards for Approval of a Petition)

10. The development will be subject to covenants which will address the age restrictions. There will be a Master Community Condominium Association, which will maintain the age restrictions and will be responsible for the open space and common elements within the community.
11. As noted above, the Property is in within a Residential Areas designation of the General Plan. The proposed development provides a logical transition of uses from the existing single-family detached dwelling to the east to MD 100 to the west.

D. Setback Issue

All of the two sizes of the generic single-family attached dwelling units to be constructed along the east side of the private road are shown placed with the rear wall at the 50 foot setback line. In such a location, decks or porches will be allowed to extend out from the rear wall and encroach up to ten feet into the 50 foot setback, based on the provisions of Section 128.A.1.

If one refers to the floor plans on Page 6 of the PDP Criteria booklet, there is information on an Optional Sunroom, which is both an extension of the foundation and of the main level. This Optional Sunroom appears to not meet the definition of "Enclosed Porch", which is:

"An addition to a dwelling which is enclosed by walls and a roof but which is separated from the dwelling by an intervening exterior wall and door, and which is not heated or air conditioned."

The Optional Sunroom as shown is not separated from the dwelling by an exterior wall and door; the sunroom is merely an extension of the Great Room, without any wall or door. As such, it would surely be heated and air conditioned. Therefore, because the Optional Sunroom does not comply with the enclosed porch definition, such an extension out from the rear of the generic dwelling unit will not be allowed to encroach into the 50 foot setback area, unless a variance is obtained for this purpose. It is recommended that this be noted in the Decision and Order if the petition is approved.

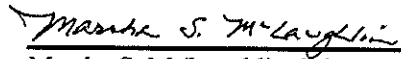
V. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that the request to rezone the Property from R-20-MXD-3 to PSC, be APPROVED, with the proposed PDP and PDP Criteria, if the Petitioner successfully addresses the following issues.

1. It is recommended that the Petitioner provide more information concerning the character of the outdoor recreation area and sitting area.

PETITIONER: Deep Run Property Management, LLC & Horse Farm, LLC

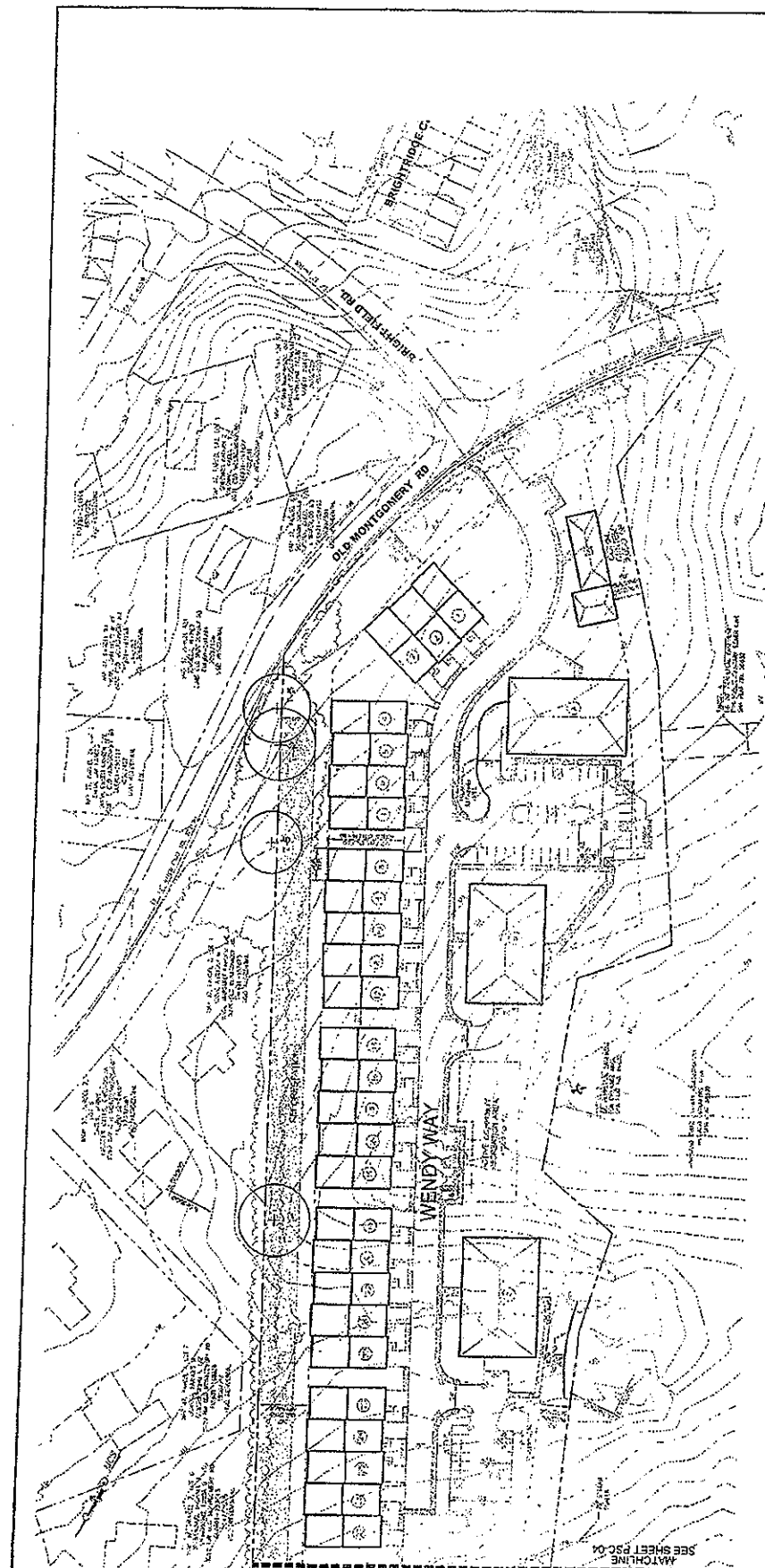
2. The Petitioner must demonstrate that safe public road access is available to and from the site.
3. The Optional Sunroom extension out from the rear of the generic dwelling units that are east of the private road will not be allowed to encroach into the 50 foot setback area, unless a variance is obtained for this purpose. It is recommended that this be noted in the Decision and Order if the petition is approved.


Marsha S. McLaughlin, Director

12/30/08
Date

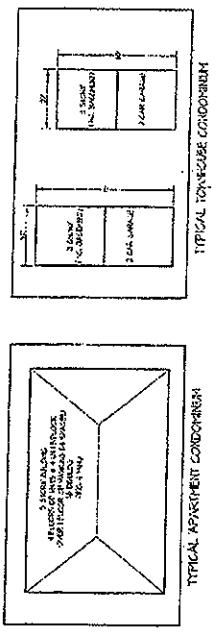
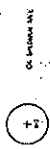
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NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.



LEGEND

- 04. PROPERTY LINE
- 05. EXISTING IMPROVEMENTS
- 06. EXISTING DRIVE
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		<p>MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, ARCHITECTS AND LANDSCAPE ARCHITECTS 1000 PARK CREST DRIVE SUITE 100 (410) 721-8271 (202) 775-1000 FAX (410) 721-8272</p>	<p>PSC-03</p>
		<p>TROTTER'S KNOLL PLANNED SENIOR COMMUNITY</p>	<p>DATE: 12/15/03 REVISIONS: 1. 12/15/03 2. 12/15/03 3. 12/15/03 4. 12/15/03 5. 12/15/03 6. 12/15/03 7. 12/15/03 8. 12/15/03 9. 12/15/03 10. 12/15/03</p>

NOTES: SEE SHEET PSC-04 FOR UNIT LAYOUTS AND FINISHES. SEE SHEET PSC-05 FOR UNIT LAYOUTS AND FINISHES.

